

MINUTES

MONTANA SENATE 57th LEGISLATURE - REGULAR SESSION COMMITTEE ON FISH AND GAME

Call to Order: By **CHAIRMAN MIKE SPRAGUE**, on March 6, 2001 at 3 P.M., in Room 422 Capitol.

ROLL CALL

Members Present:

Sen. Mike Sprague, Chairman (R)
Sen. Jack Wells, Vice Chairman (R)
Sen. Al Bishop (R)
Sen. Edward Butcher (R)
Sen. William Crismore (R)
Sen. Pete Ekegren (R)
Sen. Jon Ellingson (D)
Sen. Eve Franklin (D)
Sen. Debbie Shea (D)
Sen. Bill Tash (R)
Sen. Jon Tester (D)

Members Excused: None.

Members Absent: None.

Staff Present: Roberta Opel, Committee Secretary
Mary Vandenbosch, Legislative Branch

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: HB 365, 3/1/2001; HB 306,
3/1/2001
Executive Action: HB 365; SB 353

HEARING ON HB 365

Sponsor: REP. JAMES WHITAKER, HD 41, Great Falls

Proponents: SEN. CHRIS CHRISTIAENS, HD 23, Great Falls
Laura Palmer, Stevensville

James Knuckles, Stevensville
Amanda McGee, Stevensville
Chantelle Marechaw, Stevensville
Tara Atkinson, Stevensville
Jackie McNulty, Stevensville
Alex Wienckowski, Stevensville
Rebecca Heller, Stevensville
Mary J. Olsen, Montana Federation of Garden Clubs
Jean Thomas, Stevensville
Mike Barrett, Helena

Opponents: None

Opening Statement by Sponsor: REP. JAMES WHITAKER, HD 41, Great Falls, introduced HB 365 stating that the bill is a "feel good" bill designating the Mourning Cloak as the official state butterfly.

Proponents' Testimony: SEN. CHRIS CHRISTIAENS, HD 23, Great Falls said he had worked closely with students in Great Falls regarding this bill. He said it was a great learning project and an opportunity to see something they have an interest in, become law. SEN. CHRISTIAENS said if this bill passed, he would carry it in the Senate.

Laura Palmer, Stevensville said she was a 5th grade student. She said the Mourning Cloak butterfly can be found in every county in Montana. Nineteen states have already designated a state butterfly and she asked the committee to support this bill.

James Knuckles, Stevensville told the committee he attended 5th grade. He said the Mourning Cloak butterfly was a good choice for our state butterfly. He said it is not a snowbird butterfly like the Monarch.

Amanda McGee, Stevensville said she attends 5th grade. She said the Mourning Cloak is easy to spot because it has dark wings.

Chantelle Marechaw, Stevensville said she was in 5th grade. She explained the various stages of the butterfly's metamorphoses. She asked the committee to support the butterfly bill.

Tara Atkinson, Stevensville told the committee she was a 5th grade student. She said the butterfly was found all over Montana, unlike the state flower. She stated they wanted a state butterfly that was found in every county.

Jackie McNulty, Stevensville, said she attends 5th grade. She said the Mourning Cloak may be the longest living butterfly in Montana. There have been 194 different butterflies sighted in Montana.

Alex Wienckowski, Stevensville, said he is in the 5th grade. He said the spots of blue on the Mourning Cloak butterfly remind him of Montana's big blue sky.

Rebecca Heller, Stevensville, said she attends the 5th grade. She presented pictures and posters to the committee to help them identify the Mourning Cloak butterfly. **EXHIBIT(fis51a01)**

Mary J. Olsen, Montana Federation of Garden Clubs, spoke in favor of the bill. She said the garden clubs in Montana have had an interest in butterflies for many years and many garden clubs have established butterfly gardens in their community and have participated with youth groups, teaching them the beauty of butterflies. The Mourning Cloak butterfly is found in all 56 counties and is one of the first butterflies to come out in the spring. Mourning Cloaks often have a life span of ten months.

Jean Thomas, Stevensville, President of the Montana Federation of Garden Clubs, told a story about butterflies and the hope.

Mike Barrett, Helena, presented a copy of his testimony.
EXHIBIT(fis51a02)

Opponents' Testimony: None

Questions from Committee Members and Responses:

SEN. JON ELLINGSON asked **Ms. Palmer** to explain how she had been following the progress of this bill as it went through the House. **Ms. Palmer** said it goes through different stages to get to the Governor. She said the Governor is the final stage.

Closing by Sponsor:

REP. WHITAKER thanked the Garden Clubs of Montana for deciding Montana needed a state insect. He thanked the Fifth Grade class from the Holy Spirit Catholic School in Great Falls, for testifying in the House and also thanked the students from Stevensville. He closed by saying "a butterfly represents freedom and nature." He said the Mourning Cloak has a purple-black upperside with a wide bright yellow border on its outer edge and a row of iridescent blue spots at the inner edge of the border. The purple color could represent mountains, flowers

sunsets, and dusk and its yellow color could stand for sunrises, ripened grain fields, sunflowers, sunny days, happiness, freedom, and the native grasses of the wide-open prairies, he said. The blue color symbolizes our campfires. The Mourning Cloak is in all 56 counties - from Eureka to Ekalaka- from Dillon to Plentywood and his hometown of Belt. It is a true Montanan, spending both summer and winter in the state. It is often the last butterfly seen in the fall and it is the first to appear on early spring days. He recommended a DO PASS on HB 365.

EXECUTIVE ACTION ON HB 365

Motion/Vote: SEN. CRISMORE moved that HB 365 DO PASS. Motion carried unanimously, 11-0.

HEARING ON HB 306

Sponsor: REP. JOE BALLYEAT, HD 32, Bozeman

Proponents: Chris Smith, Chief of Staff, Fish, Wildlife & Parks (FWP)

Opponents: Jeff Barber, Montana Wildlife Federation
Tom Powers, Helena
Jon Fogarty, Shepherd sportsman
Ellis Misner, Fairfield
Richard Oksness, Billings

Opening Statement by Sponsor:

REP. JOE BALLYEAT, HD 32, Bozeman introduced HB 306. He said this bill, as amended in the House, would permit non-resident family members to obtain guaranteed hunting licenses in Montana, provided they would be willing to pay a higher price and hunt with a relative. The extra money from these licenses would fund block management. REP. BALLYEAT submitted a copy of his testimony. **EXHIBIT(fis51a03)**

{Tape : 1; Side : A}

Proponents' Testimony:

Chris Smith, Montana Department of Fish, Wildlife and Parks (FWP) submitted a copy of his testimony supporting HB 306 with proposed amendments. **EXHIBIT(fis51a04)**

Opponents' Testimony:

Jeff Barber, representing Montana Wildlife Federation, stated the Federation opposed HB 306.

Tom Powers, Helena, testified in opposition to SB 306.

Jon Fogarty, Shepherd, rose in opposition to HB 306.

EXHIBIT(fis51a05)

Ellis Misner, Fairfield, testified "HB 306 is a mistake."

EXHIBIT(fis51a06)

Richard Oksness, Billings, opposed HB 306. **EXHIBIT(fis51a07)**

Questions from Committee Members and Responses:

REP. BALLYEAT said the final point is if all 1,000 licenses are not sold, they would go back into the pool with the 10,500 licenses.

SEN. BUTCHER said the normal license fee is \$250.00. He asked if the fee for this license would then be \$800.00.

REP. BALLYEAT said if you look at the fiscal note, it clarifies this point. If you look at assumption Number 1, the B-10 deer/elk combination licenses sold through the drawing, sells for \$475.00. If you go back to the end of line 1, the license in the upcoming year would be \$975.00. You would generate an extra \$500.00 on each license. For the B-11 license, through the drawing, it is \$245.00 and through the guaranteed set-aside, it would cost \$850.00.

SEN. WELLS asked how many applications were received for the non-resident 11,500 licenses.

Mr. Smith said he believed they received 35,000 to 40,000 applications.

SEN. WELLS asked if the department thought they would be able to sell all the non-resident tags.

Mr. Smith said the fiscal note is based on selling all of the non-resident licenses and he believed they would sell them all.

SEN. WELLS asked how many applications were received for the outfitter high-priced guaranteed licenses.

Mr. Smith said they sell the maximum number of licenses authorized by law. He said if they received more applications than they are allowed to sell, they would issue those applicants' licenses, because those individuals are guaranteed a license if they are willing to pay the price. The next year they would raise the price to force an undersell in order to make the number of licenses average out over a number of years.

SEN. WELLS said if you have an undersell, it would appear you have received the top price, and where would these customers come from.

Ms. Smith said you need to keep in mind, when a non-resident purchases an outfitter-sponsored license, they not only paid the outfitter the higher price, they also have to contract with the outfitter.

SEN. CRISMORE asked if a person from out-of-state puts in for the general drawing of the 11,500 license, and does not receive a license, would that person stand a better chance of receiving a license next year.

Mr. Smith said they do have a preference system in place but they are in the process of changing from the former preference system, in which you automatically rolled forward on the licensing system, to a revised preference system that would make it voluntary if you want preference points.

SEN. BUTCHER inquired about a non-resident who does not receive a license in the drawing; would he have a better chance under the landowner preference program.

Mr. Smith said an unsuccessful applicant can purchase preference points, and continue to apply each year until they are successful. The preference points would continue to accumulate and could be carried forward. Once an applicant is successful, the process would start over. He said the landowner sponsored licensed program is an entirely different category and, therefore, treated differently.

SEN. BUTCHER asked if the landowner sponsored license can be carried over if you missed a year.

Paul Sihler, legal counsel, FWP, said there is no preference system for the landowner preference licenses.

Closing by Sponsor:

REP. BALYEAT closed and presented a copy of his closure.
EXHIBIT(fis51a08)

EXECUTIVE ACTION ON HB 353

Motion: SEN. WELLS MOVED TO TABLE SB 353.

Discussion:

SEN. JACK WELLS said he believed SEN. TAYLOR had an honorable intention with HB 353 and he agreed there was a problem that needed to be addressed but said he felt there was too much opposition to the bill.

SEN. BILL TASH said there was only one proponent for the concept of this bill.

SEN. ED BUTCHER said this is the bill that gives landowners - based on so many acres - a certain number of tags. He said there is "an incredible amount of animosity on the whole hunting thing because landowners do not feel they are getting any respect for feeding big game animals."

CHAIRMAN SPRAGUE said this bill should be thought about during the interim as it could be incorporated into some interim studies.

Vote: Motion that SB 306 BE TABLED carried 9-2, with SENATORS BUTCHER and CRISMORE voting "no".

ADJOURNMENT

Adjournment: 4:55 P.M.

SEN. MIKE SPRAGUE, Chairman

ROBERTA OPEL, Secretary

MS/RO

EXHIBIT (fis51aad)